

REMARKS

Applicant thanks Examiner Michael L. Burleson for having indicated that claims 3, 13 through 17, and 27 would be allowable if suitably amended. Those claims have now been so amended, and the Applicant believes that they are now in condition for allowance.

Objections

In the Official Action it is said that the abstract is overlong. The abstract has now been shortened to approximately 150 words.

In the Action it is also said that in six particular claims the term "nonblack" should read "non-black". The original form "nonblack", however, complies with the standard dictionary-prescribed usage for documents of high literacy, which calls for absence of hyphenation with all standard prefixes, e. g. "re-", "in-", "non-", "pseudo-", "ex-", "semi-", "anti-", "pro-", etc. Accordingly Applicant respectfully requests withdrawal of this objection.

Section 112 rejections

In the Official Action it is said that claims 1, 3, 4, 5 and 26 suffer from specified antecedent failures. Applicant believes that the questioned original phrases have absolutely plain antecedent; however, in the interest of advancing this case toward issue those claim phrases have been supplemented to make the original plain meanings even more clearly emphatic.

As to claim 11, it is said in the Official Action that the phrase "a pattern, in color space" is not understood. With respect, the undersigned is not able to understand what unidentified aspect of this phrase is not understood. The words are used in their standard senses, to convey the resulting meaning. Nevertheless claim 11 is now amended in an effort to eliminate any possible source of confusion. In particular, the "pattern" is simply a pattern of virtually the only kinds of elements that can exist in a color space, namely a pattern of color values. Claim 11 now recites this fact explicitly. In event that this is not deemed sufficient, Applicant respectfully asks that the Examiner telephone the undersigned to clarify the objection.

Section 102 rejection

In the Official Action it is further said that claims 1, 2, 4 through 8, 10 through 12, and 26 are anticipated by Yamada. As to claim 1, it is said in the Action (top of page 4, emphasis added):

"Yamada teaches that the calibration chart is designed such that a minimum difference the gray pattern of the black ink and the process black ink (column 3, lines 55-60), which reads on measuring and comparing the printed gray ramps."

With respect, the foregoing passage from the Official Action seems incoherent, being elliptical and having *inter alia* no main verb in the passage describing Yamada's teaching, and to the undersigned is confusing or simply incorrect in several ways:

- What Yamada actually teaches in the cited passage is that (emphasis added to identify portions omitted in the Official Action):

"This chart is designed such that when a standard ink head and standard inks are used, the patch at the location C-3 has a minimum color difference between the gray of the background pattern formed using only the black ink and the process black"

Please note: this passage from Yamada says nothing about measuring anything — but Applicant's claim expressly recites measuring and comparing the ramps.

- Furthermore Yamada makes absolutely clear that (emphasis added) "A user selects a patch which has a minimum color difference" (column 3, lines 60 and 61).

In other words, the cited column in Yamada indicates there is no measurement whatsoever, of any of the patches — none attempted, and none performed. Instead the operator/user (not the machine) just eyeballs the array and selects a composite-gray patch that looks most like the black-ink patch.

Again, neither the selected composite-gray patch nor the black-ink patch is ever measured. Hence Yamada cannot anticipate Applicant's claim 1.

- In addition, the Official Action says that the cited passage in Yamada "reads on" the Applicant's claim language. This concept is backward — and actually undefined — and thus not a valid way to determine whether there is § 102 anticipation. The correct test is believed to be whether the Applicant's claim language "reads on" the teaching in the reference, not vice versa.

As to claim 2, it is said in the Official Action (emphasis added):

"Yamada teaches that the calibration process is done by the printer unit (203), (column 3, lines 25-33), which reads on all the steps are performed automatically."

With respect, this assertion too appears incoherent, as the concept of a reference "reading on" the claim recitations is neither defined nor understood.

Assuming that it was intended to say that the claim recitation reads on the reference, then that intended statement is believed to be factually in error. The very passage (at lines 25 through 33) which is cited expressly says that the operator (not the "printer unit") selects a calibration button.

From the previously quoted passage (lines 60 through 65) it is crystal clear that this button is not merely one labeled, e. g., "Please calibrate now." Rather, the selected button is to be the one which designates that specific patch "which has a

minimum color difference (maximum color similarity)" as between a black-ink patch and a composite-ink patch.

In completing the calibration then, the printer unit merely follows that command generated by the user's visual observation: once again, the user never measures EITHER a black-ink patch OR a composite-ink patch. Likewise the printer unit never measures either of such patches. Therefore, in no way based upon principled reasoning can it be said that "all the steps are performed automatically," as recited in the Applicant's claim 2.

As to claims 4 through 12, the arguments in the Official Action appear to be moot because those claims originally all depended from claim 1 — which has been shown above to be patentable over the cited art. In the interest of most-rapidly advancing this case toward issue, however, certain of the claims (namely claims 4 through 6) have been amended to depend from claim 2 — which expressly recites all-automatic operation — rather than from claim 1.

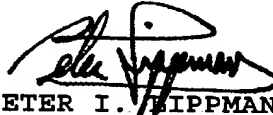
As to claim 26, once again it is asserted in the Official Action that Yamada teaches measurement and comparison of ramps, and also teaches "automatically" color calibrating. The foregoing discussions, however, make clear that Yamada's teaching encompasses no measurement of any ramp, and even more plainly that Yamada's method is not automatic.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's favorable reconsideration

and allowance of all the claims now standing in this case. It is respectfully requested that, should there appear any further obstacle to allowance of the claims herein, the Examiner telephone the undersigned attorney to try to resolve the obstacle.

Respectfully submitted,



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